

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARL SCHMID,	)	
	)	
Plaintiff,	)	2:03-cv-0774-GEB-PAN (JFM)
	)	
v.	)	<u>ORDER DISMISSING ACTION</u>
	)	
COUNTY OF SAN JOAQUIN; BAXTER	)	
DUNN; GREGORY BETTI; N. BRAND;	)	
TOM SWEESO; JERRY HERZICK; BILL	)	
HUGHES; K. WARD; and SARGENT	)	
SKAFF,	)	
	)	
Defendants.	)	
_____	)	

The "Stipulation for Settlement and Judgment" filed April 25, 2006, ("Settlement") reflects the settlement of this action. "The settlement is just another contract to be enforced in the usual way, that is, by a fresh suit[,]" unless the federal court exercises jurisdiction over it as is requested in the Settlement.<sup>1</sup> Jessup v. Luther, 277 F.3d 926, 929 (7th Cir. 2002).

---

<sup>1</sup> "Of course, the mere fact that the parties agree that the [federal] court should exercise . . . jurisdiction [over their Settlement Agreement] is not binding on the court." Arata v. Nu Skin Int'l, Inc., 96 F.3d 1265, 1269 (9th Cir. 1996).

1 While it is recognized that federal jurisdiction can be  
2 exercised over certain settlements, exercising jurisdiction is not  
3 automatic. Rather, a settlement must be analyzed for determination  
4 whether the exercise of jurisdiction over it is "essential to the  
5 conduct of federal-court business." Kokkonen v. Guardian Life Ins.  
6 Co. of Am., 511 U.S. 375, 382 (1994). The Settlement has transformed  
7 the settled action into California State agreements concerning  
8 monetary, environmental and aesthetic matters. Since the monitoring  
9 and/or adjudication of these settled matters is not "essential to the  
10 conduct of federal-court business[,] " jurisdiction will not be  
11 exercised over the Settlement. Since this action is settled, this  
12 action is dismissed. See Oswalt v. Scripto, Inc., 616 F.2d 191, 194  
13 (5th Cir. 1980) (revealing that when a settlement is tantamount to a  
14 stipulated dismissal, a dismissal order should issue). The Clerk of  
15 the Court is directed to close this action.

16 IT IS SO ORDERED.

17 Dated: April 28, 2006

18  
19 /s/ Garland E. Burrell, Jr.  
20 GARLAND E. BURRELL, JR.  
21 United States District Judge  
22  
23  
24  
25  
26  
27  
28